CASE

of Submission to the

Church-government,

As now re-established by Law, briefly stated and determined:

For a Lover of the peace of this

CHURCH and KINGDOM.

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1 Sam. Chap. 15. 22.

Behold, to obey is better then sacrifice.

Confess. Suec. Cap. 14. Civilibus legibus, quæ cum pietate non pugnant, eò quisque Christianus paret promptius, quò fide Christi est imbutus plenius.

Published by Order.

EDINBURGH,
Printed by *Evan Tyler*, Printer to the Kings most Excellent Majesty, 1662.

The Reasonable

CASE

of submission to the

Church-government,

As now [illegible] by Law [illegible] Sanctuary [illegible]

By a Lover of the peace of this

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The Case anent submission to the present Church-government, re-established by Law, stated and considered.

THE exceeding great bitterness of the continued and increasing sad distractions amongst the people of God, to the hindrance of their edification in faith and a godly life, with charity and peace amongst themselves, should put all the Ministers of Christ to most serious thoughts, in considering how far they may, under the present dispensations of God, without sin, accommodate in following unquestionable duties, with, and under, the established Government of the Church. And although, as to a cordial allowance of the present change, they cannot yet attain, something remaining, whether of scruple or affection, which maketh it unpleasing, and their concurrence with it, to ly heavy upon their spirits; yet, if there be found no manifest transgression in concurring under the same, in matters of unquestionable duty, they would wisely put difference between *gravamen spiritus* and *ligamen conscientiæ*, something in the will that rendereth them averse, and the prevailing clear light of a well-informed conscience, (to which, how uneasie it is to attain in this point of controversie, they can tell who have truly tryed it) binding them up from concurrence, as a thing in it self unlawfull. Men, who walk in the fear of God, and are zealous of His honour, had need to be very jealous of their own zeal, that it carry them not to the rejecting of a real duty, which (to their apprehension) sits too near a sin. Ministers, whom sober-mindedness doth greatly become, would look to it, that the censure of a grave Divine upon the spirits of our country-men (*præfervidum Scotorum ingenium*) do not too much touch them. It is their

duty to advert, leſt, at this time, too great animoſity contribute to the laying of the foundation of a wofull diviſion, to be entailed to the generations to come; the evil whereof will preponder all the good that any one form of Church-government can, of it ſelf, produce, *viz.* the diſhonour of God, the weakning of the cauſe of the true proteſtant Religion, againſt the common adverſaries thereof; the deſtroying of true charity and love amongſt the people of God, the hinderance of their profiting under the ſeveral Miniſtries they live under, and the creating continual confuſions and diſtractions in the Common-wealth (the ordinary fruit of ſchiſm in the Church) as too lamentable experience (whereof we carry the ſad marks to this day) hath taught us.

1. That there may, and ought to be, a brotherly accommodation and concurrence in matters of practice, which are undoubted duty, (albeit Brethren be of different judgments anent the conſtitution of Meetings, or capacity of perſons that act in theſe duties) grave and learned men have put it out of queſtion. It is well known, that in the Aſſembly of Divines at *London*, accommodation was mainly laboured for (and far carried on) between *Presbyterians* and *Independents*, that they might concur in common Actings for regulating the Church, with a reſerve of liberty of their own ſeveral principles. The *Independents* thought the *Presbyterians* had no judicial Authority in theſe Meetings. The *Presbyterians*, though accounting this an errour, yet, were willing, in common unqueſtionable duties, to concur with them. Alſo, ſeveral of the moſt eminent *Presbyterians* in *England*, as Mr. *Vines*, Mr. *Baxter* and others, accounting of un-preaching Elders, as of an humane device (as now the Office of a Biſhop is accounted of by many Brethren) Yet, not being able to attain to the exerciſe of presbyterial Government, without the intermixture of theſe; yea, of them, double the number to preaching Presbyters in each Meeting, (which gave them an overſwaying power in the Government) notwithſtanding they did concur with them in matters of unqueſtionable duty. Is it not alſo well known, that amongſt our ſelves in this Church, Brethren did ordinarily concur in Synods and Presbyteries, in doing their duties with theſe whom they charged

charged with a finfull ſchiſme? (a thing as much againſt the Covenant, as that which is now pretended for withdrawing from the Meetings of Synods and Presbyteries.) And when Brethren, thus charged, did withdraw their concurrence in ſome duties, by ſeveral paſſiges in that Paper, entituled, *A Repreſentation of the riſe, progreſs and ſtate of the Diviſions in the Church of* Scotland, how that practice of theirs was conſtructed of, pag. 21. it is affirmed that they homologate with the tenet and practice of Separatiſme, denying the lawfulneſs of concurrence in a lawfull neceſſary duty, becauſe of the perſonal ſin of fellow-actors in it. And, pag. 28. ſpeaking of their refuſing to own the Judicatories as lawfull, becauſe the men whom they judged to be in a courſe of defection (the Commiſſioners of the Church they meant) were admitted to ſit there, it is ſaid by the Repreſenter, that it is a principle that draweth very deep: for, (ſaith he) by parity of reaſon, they muſt not joyn with any inferiour Judicatories where they are, nor in any lawful act of Religion or Worſhip, more then in an Aſſembly. May not much of this be applyed to the preſent Withdrawers from concurrence in neceſſary duties? *Mutato nomine, de te*, &c. It will be ſaid, there is a great diſparity between thoſe Commiſſioners and the Biſhops, who are looked on as new unwarranted Officers in the Church; and therefore, albeit there may be now reaſon for withdrawing from Meetings where they are, there was no reaſon for withdrawing from Aſſemblies where theſe Commiſſioners ſate. But, (not to divert to a diſpute here, whether the Office of a Biſhop be new, or unwarrantable, or leſſe warrantable then the Office of theſe Commiſſioners, which wiſe men looked upon as very like epiſcopal) there is herein a parity, that as theſe now are judged, ſo the other were judged by the Excepters againſt them, to be in a courſe of defection, and unlawfully officiating as members of the Aſſembly. And yet, were theſe Quarrellers reproved for withdrawing from the general Aſſembly upon that account? Should not that reproof be taken home in the preſent caſe, by ſuch as withdraw from Meetings of the Chruch? why ſhould there be divers weights, and divers meaſures uſed in ſuch parity of caſes? Again, it is aſſerted, (pag. 37.) to be a diviſive principle, that men will not

ioyne in lawfull duties; because these, with whom they joyn, will not come up to their judgment in all other things: *Ibid.* They challenge them for refusing to joyn in an uncontroverted duty, because the direction to it flowed from the authority of an Assembly, which they could not own: It were good that these former principles, were better remembred and used in the present case. Further, the Presbytery of *Edinburgh*, in their Paper, printed, *Octob.* 5. 1659. (pag. 8. of that Paper) speak very soberly, disclaiming it as none of their principles, that no difference of opinion can be suffered by them. We are (say they) clear, that in many things of common practice in a Church, there may be agreement by accommodation, though differences of judgment remain, *&c.* Again, say they, we readily yield, that, as we propheſie but in part, men in a Church may compose debates by putting end to contentions, though they be not all of one judgment; and therein we judge the Apostle hath set the rule before us, 1 *Cor.* 11. 16. A Golden Rule indeed, the practice whereof, in its just sense, might bring us much sweet peace. But, not to insist upon the judgments of learned men concerning the Case of submission to, and acting in duties, with Meetings, anent the constitution whereof, or members, there may be some difference in judgment. If we will hearken to a man, greatly learn'd, and known to be no great friend to Bishops, we shall hear him perswading to obedience and submission to them in things lawful. *Theodore Beza*, being written to by some Ministers in *England*, who excepted against some customes in the discipline and order of that Church (their controversie had not then risen so high, as to strike at the Office of Bishops; only some customs in discipline and ceremonies in external order, were most stood upon.) He, (*Beza* Epist. 12.) though disliking these things; yet, plainly averres to them, that these customes are not *tanti momenti*, as that for these they should leave their ministry, and by deserting their Churches, give advantage to Sathan, who seeketh occasion to bring in greater and more dangerous evils: He wisheth them there to bear what they cannot amend, to beware of all bitterness: And albeit they could not come to be of the same mind with others; yet, with a godly concord to resist Sathan, who seeketh all occasions of tumults

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and infinit calamities. And he doth most gravely obteſt the Miniſters (with tears, as he ſaith) *Ut Regiæ Majeſtati, & earum Præſulibus ſuis ex animo obſequantur.* *Beza* pleads for hearty obedience (in things lawful) to the Biſhops, of whom he ſpeaks honourably in that Epiſtle; not hinting at the unlawfulneſs of their Office, nor offering to perſwade the Miniſters to do againſt their Office: *Sunt maximi viri* (ſaith he) *qui ſingulari Dei Opt. Max. beneficio papiſticis Epiſcopis ſucceſſere*: He accounts not them nor their Office popiſh; but ſaith, *By the ſingular mercy of the moſt great and good God, they have ſucceeded the popiſh Biſhops, or come in their place*; even as, by the ſingular mercy of God, proteſtant Miniſters have come in the place and room of popiſh Prieſts. And how well he eſteems of the Office, and of the men in the Office (likely abating ſomewhat of his peremptorineſs in the heat of diſpute with ſome, as he had cauſe) may appear not only by what he ſaith in that Epiſtle, *exhorreſcimus ut contra Regiæ Majeſtatis & Epiſcoporum voluntatem, miniſtri ſuo miniſterio funganturs* But from his Epiſtles to *Grindal* Biſhop of *London*, Epiſt. 23. commending *Grindals* Chriſtian patience and lenity, addeth, *Majori poſthac pœna digni erunt qui authoritatem tuam aſpernabuntur*, cloſing his Epiſtle, *Deus te cuſtodiat, & in tam commiſſo tibi munere ſancto ſuo ſpiritu regat, & magis ac magis confirmet.* And in his 58. Epiſtle, to that ſame Biſhop, he ſaith, *Dominus te iſtic* (at *London*) *ſpeculatorem & judicem conſtituit.* By all which, it may appear, that it would have been far from *Beza's* mind, that Miniſters ſhould give no obedience to Biſhops eſtabliſhed by the Laws of a Kingdom, not ſo much as in things undoubtedly lawful, or that they ſhould have refuſed concurrence with Biſhops in ordering the Church, and acting in unqueſtionable duties.

2. The preſent Queſtion, concerns the caſe and carriage of two kind of Miniſters. 1. Some refuſe to come to Synods (although called by the Kings Majeſties command, ſignified by His moſt honourable privie Council) where Biſhops do preſide. They refuſe alſo to come to Presbyteries, where a Moderator, pretending no more power then any of themſelves, preſides, being nominated by the Biſhop in the Synod, to continue till the next Meeting of the Synod. Such

Such Meetings they withdraw from; albeit nothing be required of them, but to act in unquestionable duties, for regulating the Church, and suppressing, according to their power, of sinful disorder; albeit there be no imposition upon their judgments, nor subscription required, nor declaration that they allow any thing they count amiss in the constitution of these Meetings, or any constituent members thereof; Yea, where it might be permitted to them (if they intreated for this) to ease their conscience by signifying their scruples (which they cannot overcome) anent the constitution of these Meetings, or anent the members thereof, so be they would do this with that inoffensive modesty, humility and respect to the supreme Authority and the Laws of the Land, and to such Meetings and the members thereof, that becomes; and after that, to concur in their undoubted duties: Concerning such Ministers, the question is, whether they may and ought to concur with such Meetings of their Brethren, in carrying on their undoubted duties? or, if it be unlawful so to do? 2. The other rank of Ministers are these, who, falling within the compasse of the Act of Council at *Glasgow*, and of Parliament whereto it relates, do rather choose to part with their Ministry then to seek a Presentation from the Patron, and Collation thereupon from the Bishop; yea, who will quit their Ministry, rather then that they will once come in terms of treating with a Bishop, to try upon what conditions they may have the liberty to enjoy their Ministry, and to serve God therein for the good and salvation of his people.

3. As to the case of Brethren of the former sort, several things are worthy their most serious consideration, which may render them somewhat jealous of the unwarrantableness of their present way. 1. Hath not the Supreme Magistrate (even according to their own principles) an undoubted power to convocate Synods when he sees it needfull? Never were there any protestant Ministers (no nor christian Ministers) before this time, who, being convocated to a Synod or Church-meeting by the Soveraign Christian Magistrate, did refuse to come at his command; Nor is there any rank or degree of Subjects that can, without the stain of sinful disobedience, refuse to meet

upon

upon His Majesties command; and Ministers cannot plead exemption from the common duties of Subjects. 2. Brethren would consider, whether it would prove a sufficient ground to justifie their not-coming to the Synod upon His Majesties command by His Council, because that command to come to the Synod, is joyned with another, commanding to concur dutifully, &c. And the command to come, is only in order to the required concurrence, which they cannot give, as they say. Is this rational, that where two commands of the Magistrate are joyn'd, the one undoubtedly lawful to be obeyed, the other doubted of, that Subjects should disobey the Magistrate in that which is clearly lawfull, because they have a doubt or unclearness anent obeying him in the other command? Doth it not become Subjects to go as far on in obedience to lawfull Authority, as they see they may without sin against God? Then it is time to stop when any thing is put to them by vertue of the Kings Command, which they clearly see they cannot do without sin. Had they come to the place, it would, *pro tanto*, have shewed their respect to Authority, albeit they had humbly declared themselves bound up from acting by their doubts. And yet, it may be, they will in end find, that they might lawfully have concurred in unquestionable duty, that there was no ground to refuse this; and that they might have sufficiently salved their Conscience by a humble signification of their scruple, as was said, and yet not refused to concur in undoubted duties, for the personal fault (as they apprehend) of any member of the Assembly. 3. What ground could they have for separation from the Synod? Is it the want of liberty to choose a Moderator? Or, Is it that he that presides, is a Bishop, and claims more power then they can allow, more then they think is due, as of a negative voice? Or, Is it the want of unpreaching Elders in the Meeting? As to the 1. Are they able to shew that every ecclesiastical Meeting or Judicatory hath, by a divine scriptural Right, a priviledge to choose their own Moderator? Where is there any Precept for this? or any example of such election in Scripture? If all Meetings of ecclesiastical Judicatories have this priviledge, then also their Sessions (where they take upon them to be constant Moderators) have

this also, which, belike, will not [illegible] them well, that any of the Meeting but themselves should be chosen there to preside; or, can they say, that every ecclesiastical Meeting or Judicatory, hath this priviledge by a divine natural right? If so, no civill Society or Judicatory should want it; but all claim power to choose their own Presidents, which were evil doctrine under a Monarchy, where power is in the Prince to elect and name Presidents for Council, Session, &c. Or, are they able to demonstrate, that it is not lawful for the Christian Magistrate, upon whom the external ordering of all the Judicatories in his His Dominions depends, to nominate out of a Meeting of Ministers, conveen'd by him, one grave and godly Minister of the number, to order the actions of the Meeting, and by his Authority to controll the unruly? Can it be made evident, that the ancient Christian Councils, general or provincial, (though they had ecclesiastick Presidents) did alwayes formerly choose their own President? *Presides ecclesiastici in vetustis Conciliis, nonnunquam nominati ab Imperatore*, saith *Zepperus*, Eccles. Pol. p. 742,

As to the second, The great exception is at the power of the Presidents of the Synods, they being Bishops, claim an undue power as if Authority solely resided in them, at least they claim a negative voice.

Ans. 1. Were it so, and were this a fault; yet, it were not their fault who concur: the personal fault of another cannot be any good ground for Brethrens withdrawing from their necessary duty, especially it being considered what might be allowed them, for easing the scruple of their Conscience, as was above said. If I be only admitted to consult in regulating the affairs of the Church, in a Meeting where I think I should have equal authority with any that sits there, Can it be sin in me to go so far in my duty, as I am permitted to do, to testifie against sin, to give my best counsel for suppressing thereof, and for advancement of holiness? If I be abridged and restrain'd as to that authority, which I think is due to me, it is the sin (if there be any) of these who do restrain me and not mine; shall I do no part of my duty, because I cannot do all that I think I ought to do, being, as to some part of it, restrain'd by another?

But

But Secondly, Is it not granted by moſt judicious Divines, that Presbyters (having a power in ſeveral caſes to ſuſpend the exerciſe of their own juſt authority, when the ſuſpenſion of it tenderh to a publick good) may for the peace of the Church, reſolve to give to one perſon of their number a negative voice in Government, ſo as to do nothing without him? *Baxt.* Church gover. *pag.* 18. And excellent Mr. *Vines* (when at the Iſle of *Wight*, the King could not be brought off that, that in Meetings of Presbyters there ſhould be one, under the name of Biſhop, with a negative voice) did counſel both *Presbyterians* and *Independents* to accept of the conceſſion, as they would not have all the blood, miſeries and confuſions that after might enſue, laid at their door. See his conſiderations on the Kings Conceſſions. Whatever may be ſaid of that *negative voice*; the law of the land putting Biſhops into a ſtated preſidency, and yet Presbyters being admitted to rule with Biſhops, judicious and ſober men would not lay ſo great weight on it, as to refuſe their concurrence in common and uncontroverted duties upon that account. But yet, one thing would be remembred, that Brethren are at a very clear diſadvantage in withdrawing from presbyterial Meetings, where they know the Moderator doth not, nor can claim more power then any of themſelves. All the ground of their not concurring with theſe Meetings, muſt be, that they do not chooſe the Moderator in their particular Presbyteries: But he is nominate by the Biſhop with the Synod; and yet, in all reaſon, the authority and conſent of Biſhop and Synod, ſhould conclude any particular Presbytery. Do not Brethren remember, that in time of the Commiſſion of the Kirks ruling, there were reſtraints laid upon Presbyteries in matters far higher and weightier concernment then that, and little dinn about the ſame?

But thirdly, if the Brethren refuſe to concur with the Synods for want of unpreaching Elders there, whoſe Office they account of divine inſtitution, they would remember, that great Divines of the presbyterian way, *Blondel*, *Vines*, *Baxter*, and many others look upon theſe as an humane device (and their reaſons moving them, are weighty.) But let them be as they are imagin'd by the Brethren; yet, can the removal of theſe, with-

out their fault, render it unlawful for them to concur in a Synod of Ministers where these are not? Can the absence, or removal of these (supposed) Church-officers, render a Synod of Ministers, with their President, unlawful and not to be joyned with? because other men are debarred from their duty (they are supposed to have right to) shall we run from our duty, especially this being done without our fault?

A fourth thing the Brethren would consider anent their refusal to concur in Synods and Presbyteries, before it was hinted at, and it is this. They have, for many years, concurred in doing common duties in Presbyteries and Synods, with these, whom they looked upon as fixing a sinful schisme (as the other, they charged them with apostasie from former principles) yet, with these they concurred in common duties, so far as they could get their concurrence, and complained of their separating way when they refused. And were they not bound against schism and the makers of it, by the Covenant and Word of God too, as against any thing else that is now made the pretence of separation from the Judicatories?

Fifthly, Brethren would consider, if in this their present practice, they do not fall short of the moderation and wisdom of their worthy Ancestors, with whom they pretend to be of of the same judgment, who chooſed rather to concur with such Meetings as these (though not satisfied with their constitution) in governing the Church, and doing unquestionable duties, then altogether to desert them, or make a schime and ruin the peace of the Church. Some say to this, they were but men, and erred in so doing; but they are not angels that say so, nor without danger of erring; they were men of conscience and learning, and more unlike to have erred in this their way, then these who say they erred and prove it not. Some alledge a disparity between the case of Ministers then and now, upon the account of clearer engagements against Episcopacy by Ministers now, then by them who lived in these times, and upon the account of the standing of Synods at the time when Bishops were brought in upon them, in our Ancestors dayes; whereas now they were not standing, when Bishops are brought in but raised, and sit now as holding and depending upon Episcopacy.

It

It shall not be denyed there is some disparity and difference between the case of Ministers now and then, *similia non est idem*; but any difference that is observed, is impertinent and not material to this purpose, to make the concurrence in these Synods now, to be unlawfull, which was to our Ancestors lawfull: For, as to the former ground of disparity, it is certain, Ministers then accounted themselves as really bound against the allowance of episcopal Government, both by the Covenant and by the Word of God, as any do judge themselves engaged against it by late Bonds: whether they did mistake in this or not, we say nothing; but, that they did so judge, it is out of question; and yet, they thought their practice, in concurring in all lawfull matters in Synods and Presbyteries, consistent enough with their judgment, touching Episcopacy and their Bonds against it. And as to the latter of these differences, it can be nothing material, as the rendring concurrence with Synods and Presbyteries now, unlawfull, which then might be lawfull: For, the Meetings now and then are of the same constitution, nothing altered. Nor is there any thing in these Meetings to affright from concurrence in them now, more then at that time; nor any more holding of, or dependency on Bishops now, when the King's Majesty hath taken off the restraint which for a time He put on, then if He had not at all restrained them, neither any more then was of these Synods and Presbyteries, which of old did sit when Bishops were brought in upon them. Neither is it likely, that Ministers, who now refuse concurrence, would have given it, had their Judicatories not been restrained from meeting. This seems a very bare pretext.

Sixthly, Brethren would consider well, if in refusing to concur with their Brethren in undoubted duties (where they may salve their consciences by humble, modest expressing what they judge amiss) they do not run themselves either upon the rock of ecclesiastical Independency, in their several Congregations, in administration of Discipline, (if they mind to have any Discipline at all) or, to combine in clandestine Presbyteries of their own, which they may consider how either it shall be taken by the christian Magistrate, or how it shall relish of that spirit of unity and love that should be amongst Christ's Ministers; and

whereaway in end this perfidious division from their Brethren, in unquestioned duties, may lead them; whether to divide also from their Brethren in the worship of God, and to teach people so to do, (somewhat of this is already seen) and to endeavour the fixing of a perpetual schisme, the seeds whereof are sown with too much animosity.

4. Now cometh to be considered, the case of such Brethren of the Ministry as choose rather to quit their Ministry then once come in termes with these, upon whom the Law hath settled a power, to order them in the exercise of the same. It would be most seriously thought of, whether it be right, that any Ministers of Christ should set their Ministry, the service of God, the benefit which the Lord's people might have by their good gifts, (to say nothing of the interest of their families) at so low a rate, as not to have used all lawfull means (trying at least upon what termes they might enjoy their Ministry) before they had fallen upon that extremity to desert it. If any man will say, it is no lawfull mean to speak with a Bishop in that matter, though it might tend to his continuance in the Ministry (and perhaps might be, in some measure, disappointed in his fears) he had need to examine well, whether conceit or conscience ruleth most there; and to think of it, how he can justify the deserting of his Ministry, without the utmost essay to hold it. It must be confessed, that it is a new and rare Case, that men will rather embrace suffering then once speak one word to persons intrusted with power, by the Law of the Land, (whatever they be) to try at them, upon what termes they might be permitted to preach the Gospel. The comfort (it is to be feared) of suffering, upon such an account, will not run very clear. But, it will be said, the thing that is stuck at, is *the canonical Oath*, enjoyned by Law, and which the Bishops will require: this, some say, they cannot take, conceiving it contradictory to the Covenant and to the Word of God. But, 1. Such as have not so much as come in termes with the Bishops, and of whom that Oath, or Promise, hath not been particularly required, seem to leap too soon to suffering, before it come to them; and before they had tryed, if possibly there might have been relevant grounds for dispensing with the Law towards them.

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Had they been personally put to make that Oath; and if so there could be no dispensing with them, nor they able to digest that Oath, then they had more clearness in their undergoing suffering. 2. As to contradiction to the Covenant, if *Timoreus* (pag. 37.) may be believed (and he seems tender in the matter of oaths) there is no contradiction between the canonical Oath and the Covenant; he maintains, that the Ministers, who of old took the canonical Oath, did not swear the contradictory thereto when they took the Covenant: whence it will follow necessarily, that they who have taken the Covenant do not contradict that Oath, if they should take the Oath of canonical Obedience: and indeed it will be hard to find out a contradiction, either in termes, or by necessary consequence. But, if the obligation of the Covenant, as to that second article, shall be found to cease, (whereof afterward) the lawfulness of the other Oath will be clearer. 3. It would be considered, that the Reverend Persons, intrusted by Law to call for that Promise from Ministers, do not search into mens apprehensions concerning the grounds of their power; all they seek, is obedience to them in things lawfull and honest, as being presently in power, being by Law, ordinary Overseers of the Ministry in their duties, and chief Ordainers of them who enter into the Ministry. But, it is said, where obedience is promised, there is an acknowledgment of the lawfulness of their Power, Office and Authority; because, obedience formally cannot be but to a lawfull Authority: therefore, he that in his conscience thinketh a Bishops Office unlawfull, cannot so much as promise obedience to him in things lawfull and honest, lest, by his taking such an Oath, he make himself guilty of establishing that which he accounts unlawfull. But, 1. it is not obedience under a reduplication, and as formally obedience, they call for; if it be obedience materially, Ministers doing their duties in things really lawfull, they are satisfied. 2. Suppose it were so, that obedience, as formally obedience, were required; yet, it were hard to say, it could not be promised, or that it could not be acknowledged, that they have any lawfull Authority: for, waving the consideration of any ecclesiastical Office, wherein they may pretend to be superiour to other Ministers; and giving (but not grant-

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ing) that as Church-ministers, their Office and superiority were unlawful; yet, looking upon them as the Kings Majesties Commissioners in Causes ecclesiastical for regulating the external order of the Church in their several bounds, and impowred by the law of the land so to do (they being also Presbyters, and having power with others in Ordination and Jurisdiction ecclesiastical) it will be hard to say, that their power is not lawfull, and that obedience is not due to them. The strictest *Presbyterians*, will not find ground to disown their Office in that consideration.

There are three things mainly, which bear off Brethren of both these sorts and ranks, from submitting to, and concurring in their duties under the present Government, 1. Their fears of future evils. 2. Their present thoughts of the unlawfulness of the Office of a Bishop over Presbyters in the Church. 3. Their former Engagements by the bond of the Covenant, which they conceive still binds them. As to the first, their fears; there can be no sufficient ground in these to bear them off from that, which, for the present, is found to be their duty: If evils feared, should come, and Brethren, in conscience toward God, not able to comply with them, then suffering might be the more comfortable; but the gracious providence of God, watching over his Church, the goodness and wisdom of our Soveraign, and of Rulers under him (considering the temper of this Nation) may make all these fears vain, and disappoint them; and it is not for us to be too thoughtful, or to torment our selves with fears, before the time. In the mean time, it would be well considered by Brethren, that bear off from concurrence, if they do well in withdrawing their counsels from their Brethren, and in doing that which tendeth to the loss of their entereſt in, and respect with persons in present Authority; in regard whereof, they might be exceedingly instrumental to prevent any thing that is feared. 2. As to their thoughts of the unlawfulness of the Office of a Bishop, something hath been said of the lawfulness of their concurrence in unquestion'd duties (even upon that supposition) something also hath been said of the acknowledgment of the lawfulness of their Office, looking upon them as Presbyters, commissionated by the King, for external ordering of Church-affairs in their several

full bounds; and of the lawfulneſs of obedience to them, as in that capacity. It is not the purpoſe of this Paper, to diſpute much for their Church-capacity or Rule over Presbyters, or anent the Office of Biſhops, as an order of Church-miniſters. Only as to this, three things would be ſeriouſly pondred by Brethren. 1. Where they are able to find in all Chriſts Teſtament, any precept for meer Presbyters, preaching and unpreaching, in a full equality of power, to rule the Church of Chriſt; to give Ordination to Miniſters, to judge in all controverſies of Religion miniſterially, and do all acts of Government in the Church, or where they can find any example of ſuch a Presbytery, doing theſe acts without ſome ſuperiour Officer acting with them, or directing them in their actings, or where there is any inhibition (either expreſſe, or by neceſſary conſequence) that no Goſpel-miniſter ſhould in any caſe have ſuperiority in power over others in Church-affairs. 2. Let it be conſidered, if (deſcending from the Scripture times) it can be found in any Writer, who lived in the firſt two or three ages after Chriſt, or in any Hiſtory or Record relating to theſe times (not to ſpeak of after-ages) it can be found, that there was any ſuch Church-officer as an unpreaching Elder, joyned in full equality of power with Preaching-elders in acts of Ordination of Miniſters (from which, if they be neceſſary parts and members of the Presbytery, they cannot be excluded) and in all other acts of Jurisdiction; or, if there be any mention of the names, or power of any ſuch perſons. Or, if it can be from theſe Writers found, that there was ever any Ordination of Miniſters, or exerciſe of Jurisdiction eccleſiaſtical by Miniſters, *i.e.* by meer Preaching-presbyters, without ſome one, ſtated Preſident over them, under the name of Biſhop, who was to go before them in theſe actions; and without whom, nothing was to be done in theſe. Shall not the practice of that primitive Church, which followed the Apoſtles, as it were, at the heels, be moſt able to ſhew us which way they went, and what was their practice? It is too horrid a thing to imagine, and that which a modeſt Chriſtian can hardly down with, that immediatly, after the Apoſtles times, the whole Church of Chriſt, ſhould agree to ſo ſubſtantial an alteration of the

Government of the Church (suppos'd to be) instituted by Christ and his Apostles, as to exclude one sort of Officers of his appointment, and to take in another not appointed by him: And that it should be done so early, *Statim post tempora Apostolorum, aut eorum etiam tempore*, saith *Molinæus*, Epist. 3. *ad Episcop. Winton.* Bishops were set up in the time, when some of them (especially *John*) were living, *viventibus, videntibus, & non contradicentibus*; as is manifest by History in the successors of *Mark* at *Alexandria* and others. Can it be imagin'd, that such a thing as the Office of a Bishop, should have been set up so early in the times of the Apostles, and they not contradicting it, had it been contrary to Christs mind? How unlikely is it, that in those times, when the piety and zeal of Christians was so great, and knowledge too, there should have been no opposition to the Office of Bishops, had it been judged a wronging of Christs Ordinance? How unlikely is it, that in times of such fiery persecution, Christs Ministers should be carryed with ambition, to seek the superiority over others in an Office against his mind? Or, that people would have yielded to the ambitious courses of Pastors? How can it be thought, that the whole Church in these times (without any known exception) should have taken up that way of Government by Bishops, without any co-action to it by civil Power; without any advice or direction from General Assemblies and Councils, which then were not in being; If this way had not been universally judged lawfull; yea, it may be suppos'd descending from a higher warrant then voluntary agreements of men? We do never hear of any opposition to the Office and dignity of a Bishop over Presbyters, till it was made by one *Aerius* in the fourth age, (whom *Epiphanius* calleth a frantick man) he being enraged, that *Eustathius*, whom he undervalued in comparison of himself, was preferred to him, and got the Bishoprick, which he ambitiously aimed at, began to talk against the dignity and order of Bishops, and is therefore counted by *Epiphanius* and *Augustine* (no children in knowledge) an Heretick, (in whatever sense they mean) and also he is justly censured and condemned by *Blondel*, *Gerf. Bucer. Molinæus* to *Andrews*, as a disturber of a lawful order in the Church,

Church, albeit they cannot come up to think, that Episcopacy is a divine Institution or apostolicall.

Now, let Brethren in modesty consider, how unlike it is, that the Office of a Bishop should be contrary to the institution of Christ in his Word, that began so early, even in the Apostles times without their contradiction, that was so universally submitted to by the primitive Christians in their most firy tryals, that hath continued in the christian Churches, (not only these infected with the Roman apostasie, but the eastern Church that disclaimeth the Popes supremacy) and that for 1500. years after Christ, without any contradiction, save of one man, who never had a marrow; no not *Jerome* (whatever be said concerning him by some) that is still owned by most of the reformed Churches, who have rejected the Pope, not only by these of the Lutheran way, under the name of Superintendents (*quid est Episcopus nisi Superintendens?* saith *Jerom. epist. ad Evagrum*) but also by some of the Calvinean way, as may be seen by *Zepperus*, Eccles. Pol. And formally, that is even owned as lawfull (being well-moderated) by the stoutest Disputers against the divine right of it. Albeit men, in their passionat strains to popular auditories, sometimes cry out upon the Office of a Bishop as an anti-christian and popish domination; yet, in the protestant Episcopacy that is owned, there is no more of the Pope then there is of a Mass-priest in a Minister; or of a Conclave of Cardinal-presbyters in a Commission of the Church or a Presbytery. The Episcopacy that is now, is the very primitive Episcopacy, which *Timotheus* describing (*Ep. 10. Sect. 23.*) affirmeth to be, that nothing in Ordination or Jurisdiction be done by Brethren under the Bishop, without him, and he alone doing nothing without them in these, and avowes the same not to be contrary to the Covenant. The Episcopacy that now is, is that same Office for substance, which *Ignatius* had at *Antioch*, *Polycarp* at *Smyrna*, *Cornelius* in *Rome*, *Irenæus* at *Lyons* in *France*, *Cyprian* in *Carthage*, and many others had in other places before the *Nicen Council*; and which *Chrysostome*, *Augustine* and many others had after: and it should be our desire to God, that our Bishops (as they hold the same Office and Place, for substance, these did) so they may imi-

commendable vertues and graces; and be notable Instruments for advancing God's glory in their stations. But, 3. it would be considered, that the holding of Episcopacy, as a Government unlawfull and contrary to the Word of God, will cast too great an imputation upon this Reformed Church of *Scotland*: For, (laying aside the times of war and confusion since the year, 1638. wherein, in the midst of the noise of Armes and Armies, there hath been small opportunity for a serious free disquisition anent these matters) it will be found, that before that year, Episcopacy had been for a far longer time owned by this Reformed Church then Presbytery had been: For, untill the year, 1580. Episcopacy was not abolished in *Scotland*; the Office of Bishops was really used in *Scotland* till the year, 1580. in which the General Assembly at *Dundee* declared it unlawfull: and yet, they could not get their Presbyteries set up by the Authority of the Land, till twelve years after in the year, 1592. But, evident it is, that at the time of making that Act at *Dundee*, Bishops were in the Land (for so the Act it self, in the body of it, imports) *Forasmuch* (say they) *as the Office of Bishop is now used in this Realm*, &c. And is clear also from their Order they give to process the several Bishops, if they lay not down their Office. Now, from the time of general Reformation, from Popery to the time of that Act of *Dundee*, there were full twenty years; (the Reformation being in the year, 1560.) during all which time, the Church of *Scotland* was governed by some, *singulares personæ*, particular persons in several circuits in the Land; some under the name of Superintendents, Commissioners or Visitors of Countries; some under the name of Bishops: where popish Bishops embraced the Reformation, they had their power continued, and Commission given to them for ordaining Ministers and using Jurisdiction: and when the civil Magistrate presented any Orthodox to vacant Bishopricks, they were accepted of by the Assembly, *Edinburgh*, *Aug.* 6. 1573. where the Regent, promising to the Assembly that qualified persons shall be presented to vacant Bishopricks, the Assembly concludes, that the jurisdiction of Bishops in their ecclesiastick Function, shall not exceed the jurisdiction of Superintendents. And the Superintendent of *Lothian*, is called by

by *John Knox*, at his installing, *anno*, 1560. the *Pastor* of the Churches of *Lothian*; and these, who represent that Countrey, promise to give obedience to him as becomes the sheep to their Pastor. It is manifest then, that for twenty years after the Reformation, Bishops, whether under that name, or other names, continued in *Scotland*: and it is remarkable, that our Reformers were wiser men then to put a *Presbytery* in their Creed: For, in the Confession registrated in Parliament, *anno*, 1567. (which before had been presented) though they had zeal enough against all things that savoured of popery; yet, in their Confession, there is nothing against Bishops, nor for a Presbytery. And, Act 24. the former civil priviledges of the spiritual State of the Realm are ratified; accordingly, Bishops did sit in that Parliament: also, in the same Confession, they say, not one Policy or Order can be for all Churches and all times. But, after the year, 1580. wherein the Office of Bishops was abrogated by the Assembly, albeit some provincial Synods were set up in the place of the outed Bishops and Superintendents in these Provinces; yet, was there no Presbytery before the year, 1586. nor any of these Judicatories legally established before, 1592. and within eighteen years after that, or twenty, Bishops are set up again by the Act of Assembly, 1610. and ratified in Parliament, 1612. and continued so the space of twenty eight years, till the Assembly at *Glasgow*, 1638. So it may be easily seen, the Office of a Bishop is no great stranger to this Church, since the Reformation of Religion; but hath been longer owned then Presbytery in times of peace: and, modesty would require, we should not be ready to condemn this Reformed Church, as having in those times owned a Government unlawfull and against the Word of God, especially when the different fruits of Government, by *Presbytery* and *Episcopacy*, have been, to our cost, sadly experienced.

But now, we come to the third difficulty anent the Oath of the Covenant: This is popularly pleaded by such as do not penetrate into the controversie anent the Office of a Bishop, in point of lawfulness or unlawfulness. Indeed, the Bond of a lawfull Covenant is so sacred a tye, that, without contempt of the

the holy majesty of God, it cannot be violated, nor without great sin; no creature can absolve us from it, nor dispense with it; nor are we to break it for any temporal advantage, terror or trouble. Yet, (supposing the Covenant to be lawfull, which is not proven) it is sure, 1. That a lawfull Oath may cease to bind us, so that though we do not that which was under Oath promised to be done; yet, there is no perjury: *Semper perjurus est, qui non intendit quod promittit; non semper perjurus est, qui non perficit quod promisit sub juramento*, say the Casuists. 2. It is certain that a lawfull Oath, although in the interpretation of it, it be *stricti juris*, and is to be understood according to the intention of the givers of it, and as the plain words bear; yet, it bindeth not in the sense which any ignorant mind or over-scrupulous conscience may put upon it, or that some persons, upon partial designes, may put upon it, *Videndum est* (say Casuists) *ne stricta interpretatio abeat in nimis strictam & rigidam*. 3. It is certain, an unlawfull Oath did never, nor doth bind any conscience to do according to it, though it bindeth to repentance for making of it, and adhering to it.

In considering and applying these things: as to the first, It would be remembred, that an Oath, howsoever in it self lawfull; yet the case may be such, that by something following after it, the Oath may cease to bind us to the performing of what was sworn; yea, the case may be, that an Oath, lawfully made, yet cannot be lawfully kept; it were sin to keep it in some cases: then, and in that case, it is not we that loose our selves, but God looseth us, when an Oath, lawfull at the making, cannot be kept without sin against him. Amongst other cases, wherein the ceasing of an obligation of a lawfull Oath may be seen, these three Cases are worthy to be considered; and seriously is it to be pondred whether they be applicable to the present Question anent a discharge from the bond of the Covenant, as to the second Article of it, which is now under question. 1. If the matter of an Oath be such, as a Superiour hath it in his power to determine of it, the Oath of the inferiour or subject person ceaseth to oblige him, and is loosed when the Superiour consents not to what he hath sworn: this is both agreeable to reason; because no deed of a person inferiour or

subject

ſubject to others, ſhould prejudge the right of the Superiour nor take from him any power allowed to him by God in any thing: And alſo, all ſound Divines do acknowledge this upon the common equity of that law, *Numb.* 30. 4. If it be ſaid, that the matter of the ſecond Article of the Covenant, being not of indifferent nature, but determined by the Word of God, and ſo not under the power of a Superiour on earth to determine in it; it would be remembred, that in all this part of the diſcourſe, where the ceaſing of the obligation of the Covenant is ſpoken of (as to the ſecond Article) they are dealt with, who plead the obligation of the Covenant only, and upon that account do ſcruple. As for the conſideration of the lawfulneſs or unlawfulneſs of Epiſcopacy in it ſelf, a little of it was ſpoken to before; and the tryall of that, is matter for longer diſquiſition: and men would not be too peremptory in condemning Epiſcopacy, if they ſeriouſly conſider, that the ableſt Pens that ever engaged in this Controverſie, have found it a task too hard for them to demonſtrate Epiſcopacy to be in it ſelf unlawfull: and if we aſk the judgments of the moſt eminent reformed Divines, we ſhall find very few or none learned, ſober and faithfull in the point, who do judge it to be forbidden by God. But in this point, when theſe who alledge the bond of the Covenant only for their ſcruple, there is a neceſſity to abſtract from that queſtion, whether Presbytery be neceſſary by divine law, and Epiſcopacy in it ſelf unlawfull? In this part of the diſcourſe (ſuppoſing the lawfulneſs or indifferency of it) we only enquire, whether meerly by vertue of the Covenant, we are bound to ſtand againſt it? If by Gods Word it be found to be unlawfull (which cannot be proved) then whether there had been a Covenant made againſt it, or not, it cannot be allowed? If it be ſaid again, that the conſent of our Superiour hath been obtained to that, to which we have determin'd our ſelves by our Oath in the ſecond Article; and therefore our Oath, before God, is confirmed, and he hath not power to revoke his conſent, according to that law, *Numb.* 30. 14. It would be be conſidered, whether it was the Lords mind in that law, that if children or wives, having vowed, ſhould by ſome means drive their parents or husbands out of the houſe, deprived them

of

of all their worldly comforts; and then, when they had put them thus undutifully under ſad tentations, bargain with them either to ratifie their vows, or never to enjoy theſe comforts they had deprived them of; whether it was the Lords mind, that conſent, ſo obtain'd, ſhould be an irrevocable confirmation of their vows, who had carryed themſelves ſo undutifully? There is no evidence for that. And the application is eaſie, ſince it is known that the Covenant was contrived and carryed on, as if the deſign had been laid to extirpate Epiſcopacy whether the King would conſent or not, or whatever courſe ſhould be taken to force his conſent, *vi & armis*, or by ſuſpending Him from the exerciſe of His royall Power; an unparallel'd way of uſage from ſubjects to their SOVERAIGN. Again it would be conſidered, whether this be, *De jure naturali*, that a conſent of a Superiour once given to the vow of an inferiour, he hath no power to revoke his conſent upon reaſonable cauſes, and to make void the vow, albeit, if he do it raſhly and unreaſonably, he ſinneth. Great Schollers are of the mind, he may revoke his conſent: *Leſſius*, Tractat. *de Voto*, *dubio* 13. It is thought by him and others, that the precept *eâtenus* is judicial, as it maketh an irrevocable confirmation of the vow once conſented to. If it be further ſaid, if the Superiour, under Oath, give his conſent to the inferiours Oath; or, if He himſelf ſwear the ſame thing, then there is no power left of revoking his conſent, or doing or putting his inferiours to do contrary to the Oath: This is granted, unleſſe upon ſome other ground there be a clear looſing of the Superiours Oath, and a ceaſing of the obligation of it. Leaving theſe things to be applyed, let us look upon the ſecond Caſe, wherein the obligation and binding-power of an Oath ceaſeth, and the Oath is looſ'd; it is this, When the matter concerning which the Oath is, continueth not in the ſame ſtate it was in at the making of the Oath, when ſomething in providence before the accompliſhment of the Oath occurreth, that maketh the performance of the Oath, either ſinfull, or importing ſome turpitude, and ſomething againſt moral honeſty; or when the caſe comes to be that, that the plain end and expectation of the Oath, upon which it was founded, appeareth fruſtrate: according to the language

of

of Divines, *Res non permanet in eôdem ſtatu, ideò ceſſat Juramenti obligatio*: For example, if a man ſwear, that at ſuch a certain time, he ſhall deliver to ſuch a man his ſword, if in the mean time that man turn mad, and, in probability, might kill himſelf or others with the ſword, had he it in his hand, there lyeth no obligation upon the ſwearer to deliver it to him; Nay, it were a ſin, and againſt charity, to perform what he had promiſed. Again, if a man ſwear to marry ſuch a woman at ſuch a time, if before that time he is made certain ſhe is with child to his own brother, it were a grievous ſin of inceſt to to marry her (under pretence of keeping his promiſe;) Or, if ſhe ſhould, before the marriage day, be found with child to another man (not ſo related to him) yet, to marry her, as it could not but have ſomething againſt moral common honeſty in it; ſo the plain end and expectation of his Oath, on which it was founded, being fruſtrate by the womans whoredome, (*viz.* the having of a loyal honeſt and comfortable yoke-fellow) albeit he had made twenty Oaths to her, they bind him not; God hath looſ'd the man, *Res non permanet in eodem ſtatu.* Now, as to the preſent Caſe of the Covenanters, let it be conſidered, whether the matter abideth in that ſame ſtate, *i. e.* whether there do not ſomething now occur, that putteth us in that condition, that without ſin we cannot perform what we did promiſe, in that ſecond Article of the Covenant. It will be ſaid, What is the ſin? For anſwer, It muſt be ſtill ſuppoſ'd (as before we admoniſhed) that in this part of the diſcourſe concerning theſe who plead the bond of the Covenant meerly, that the matter of the ſecond Article of the Covenant (about which the debate is) is in it ſelf indifferent; and that Epiſcopacy in it ſelf, or by any law of God, is not unlawfull, or prohibited: If it were this way unlawfull there needed little queſtion be made about the bond of the Covenant, (for, what is unlawfull, muſt never be allowed, be it ſworn againſt or not) but, ſuppoſing the indifferency and lawfulneſs of Epiſcopacy in it ſelf, I ſay the Covenant cannot now oblige againſt it, there being ſo notable an alteration of the caſe and ſtate of matters, that whoever now do think themſelves bound to ſtand to the Covenant, as to that ſecond Article (for there are other matters in

that Covenant, from which we can never be disobliged or loosed, they being necessary by divine and moral Law) do think themselves bound to a perpetual disobedience to the Magistrate, in a matter wherein he hath power to command them; and this is a perpetual sin. *Perkins*, of Oaths, saith well, *No Oath can bind against the wholsom Laws of the Common-wealth: because every soul is subject to superior powers*, Rom. 13. Neither is it material whether the Laws be made before or after the Oath; both wayes the matter of the Oath becomes impossible, *de jure*, as Casuists speak: And now we are to think, the matter remaineth not in the same state, when the doing of what we did swear, imports sin.

I know *Timoreus* (pag. 19.) pleadeth, that even upon supposition, that it is in the power of the Magistrate to set up the episcopal form of Government, that yet we cannot own it, but must suffer under it: because (saith he) upon that supposition, that the matter of the Oath, was *res indifferens & libera* in it self; yet, it is no more free to us, *Juramentum* (saith he) *tollit libertatem*: But, by his favour, albeit in indifferent things of private concernment, wherein private persons bind themselves, and wherewith the Magistrate medleth not, an Oath may take away our liberty; yet, a subjects Oath cannot take away the power of the Magistrate, in commanding things which he seeth for publick good, and the matters not being in themselves unlawfull: Neither can it take away or hinder the liberty, or rather duty of subjects, in obeying what is lawfully commanded; otherwise, subjects, by their Oaths, might find a way to plead themselves free from obedience to Magistrates in all things indifferent which they should command them; which is absurd. But, 3. It would be remembred, that when the keeping of an Oath is certainly a hindrance of some greater good, (especially if other circumstances concur, that render the Oath non-obliging) the obligation of it, in some cases, may cease. This anent the loosing of Oaths, because of the obstacle put to some greater good, which might be attained by not doing what is sworn, is indeed a very ticklish and tender question, and all had need to look to it, lest, under pretence that the keeping of an Oath is an obstacle to a greater good attainable, by not keeping the Oath there

there be a wide gap opened to all perjury; and the popish Casuists are herein too lax for laying that ground, that it is *de jure naturali*, that every one should do that which is best; they conclude, that where the performance of what is sworn is like to hinder a greater good that might be attained by not keeping the Oath, that in that case an Oath bindeth not at all. Protestant Casuists, as Bishop *Sanderson*, do deny this principle without limitation thus expressed; yet do grant, that it is true when there concurreth some other thing (as usually there doth) which may render the Oath void, or the keeping of it unlawfull, or looseth from it, the impeditiveness of greater good there hath weight. But, we may say, albeit other things did not concur to the nulling or voiding of an Oath; yet, if the standing to it be found impeditive of a greater good, to which we are bound by a prior obligation, then the Oath, being an obstacle of such a greater good, ceaseth to bind the swearer. If a man should swear never to go near such a river or water, having once been in hazard there; yet, where he seeth at some distance from it his brother like to perish in the water, and it is probable to him, that he could be able to save his life, the prior and greater bond of charity, and of God's Law commanding, that bindeth him to go help his brother, and looseth him from his Oath. And as to our case, besides what hath been said for the clearing, upon other grounds, of the non-obligation of the Covenant in that second Article (the matter thereof still supposed as indifferent, and Episcopacy not forbidden by any divine Law) may we not clearly see, that there is (by adhering to that Oath as still binding) an obstacle put to the attainment of a greater good and of greater necessity, and to the seeking after that greater good which we are pre-obliged, by former Bonds, to labour after? Is not that great duty of preaching the Gospel of peace, lying upon Ministers, (*Wo to us if we preach not*) and lying upon many Ministers antecedently to the taking of this Covenant; and upon adhering to that Covenant in the second Article, proveth a hindrance to that greater duty whereto we are pre-obliged; shall it still be thought to bind so, that rather then we will acknowledge God's loosing us by a former obligation to a greater duty, we will, by adhering to it, put our selves

in incapacity, (according to Law) to serve any longer in the Ministry? Do there not also ly upon us all pre-obligations to obey the Magistrate in things not against God's Law, (such as now Episcopacy is supposed to be) to procure the publick peace and good of Church and State, and prevent horrid confusions, which (as matters go) cannot be avoided by sticking at that Article in the Covenant? Shall not the peace of conscience, that shall arise from tendring these great interests, be as much, and more then any peace of conscience pretended to be in keeping the Oath, which (though we should not be ready to judge any) may perhaps, upon examination, be found rather a piece of satisfaction to the will, then peace of the conscience, God having loosed and set free conscience from that Bond, *in hoc rerum statu?*

But, to the second thing which we observed anent Oaths, or Covenants, it would be remembred, that a Covenant or Oath, though lawfull and binding, even in the strict interpretation of it; yet, doth not bind in the rigid interpretation, which some, either through weakness, or scruples or design, may put upon it. Sometimes souls may make snares of Oaths to themselves by overstretching them, and so do run themselves into the perplexities they needed not. Concerning the Covenant, different interpretations and senses have been given of it, according to the several interests of persons of contrary judgments, combined in it. But, as to the second Article now in question, it may be doubted, if it be broken by submission to, or owning the present Episcopacy established by Law in *Scotland*; or, whether it be not an over-rigid straining of that Covenant, to bend it against the present Episcopacy established in *Scotland*. For clearing of which, it would be considered, first, that at the time of the taking of that *solemn League and Covenant*, there were no such Church-offices in *Scotland*, as are mentioned in that Article; there needed not, as to *Scotland*, a swearing to extirpat Offices that were not in it at that time; and some Offices there mentioned, never were in it. 2. It would be remembred, that an Oath is to be interpreted according to the sense of the givers of it. *Timorcus* (*pag.* 16.) giveth us assurance, that the Parliament of *England*, intended nothing less in imposing the Covenant, then the extirpation

extirpation of all kinds of Prelacy and Biſhops in the Church; and that it was reſolved in Parliament, with conſent of the Brethren of *Scotland*, that it was only intended againſt Epiſcopacy as then eſtabliſhed in *England*: and (*Pref. p.* 23.) we do not (ſaith he) think the Covenant to be againſt the primitive Epiſcopacy, which there he deſcrives to be a preſidency of one Miniſter over others, ſo that without him nothing is to be done in matters of Ordination and Jurisdiction: and when he explaineth the ſecond Article of the Covenant, he ſaith, it is only tyrannical Biſhops that are covenanted againſt: which *Baxter* alſo calls the ſinfull *ſpecies* of Prelacy, in his Preface to the Diſputations of Church-government; which he ſayes was abjured only, and not Epiſcopacy. And in that ſame diſpute (*pag.* 4.) he declareth, that moſt of the godly Miniſters, ſince the Reformation, did judge Epiſcopacy, ſome of them, lawfull, and ſome of them moſt fit; and addeth, that almoſt all of theſe that are of the late *Aſſ.* at *Weſtminſter*, and moſt throughout the Land, did conform to Epiſcopal Government, as not contrary to the Word of God; and that he believs, that many of them are yet ſo far reconciliable to it, (moderated) that if it were only eſtabliſhed, they would ſubmit to it as they did: for, he heareth (as he ſaith) but of few of them who have made recantation of their former conformity; and contrarily, hath known divers of them profeſſing a reconciliableneſs, as aforeſaid, as Mr. *Gataker* doth, in one of his Books, profeſs his judgment. Thus Mr. *Baxter*, by whom we may ſee their error or folly, who think there can be no godly Miniſters owning Epiſcopacy; and alſo how reconciliable godly Divines in the *Aſſ.* were to a regulated Epiſcopacy; So that it ſeemeth, the great grievance aim'd at in the Covenant to be redreſſed, was, the Biſhops claim of a ſole Ordination and Juriſdiction; and the multitudes of Courts of lay Chancellors, *&c.* ſet over Miniſters in matters of Government, and not the Office of Biſhops, concurring with Synods of Miniſters and their preſiding and being Superiors in Church-meetings. If it be ſaid, that every one of the particular Offices, mentioned under the name of Prelacy in the Covenant, are abjured; and therefore Biſhops are abjured: Mr. *Vines*, in his Conſiderations upon the Kings Conceſſions at the *Iſle* of *Wight*,

will

will (for loosing this) tell us of a sense of the Covenant, which he inclines to, *viz.* that, as to that Article, the Covenant is not to be understood *in sensu diviso*, but *compositè*, (which suiteth to Mr. *Baxters* complex frame) And therefore asserts, that continuing of Bishops with a negative voice in Ordination and ministerial Meetings, might be permitted without breach of Covenant. And if it be so, as this learned man and others mention'd, concede, What reason is there to bend the Covenant against the present Episcopacy of *Scotland*, which is establish'd to govern the Church (not excluding,) but with consent of Presbyters, with as great moderation as any was in the primitive Episcopacy. But it will be said, then we stand bound against the English Prelacy, as it is explained in the Covenant. *Ans.* It will be time to dispute that, when we are called to live under that frame of Prelacy: In the mean time let it be granted, that the Church establishment amongst us, is not that which the Covenant describeth to be renounced: neither are we rashly to judge the way of other Churches, which we are not called to own; they are to give an account of their own way to God and the King, and will allow us a discharge from meddling in their affairs; and they are not like in hast, to give us any place or calling in modelling their Church-government, to which all protestant Churches ought to pay reverence.

But again, it will be said, was not the form of Episcopacy that was in *Scotland* before (from which the present is nothing different) abjured in the National Covenant, before we had any dealing with *England* anent change of their Church-government. *Ans.* If we will believe the Ministers who reason'd with the Doctors of *Aberdeen* (and they were the prime promoters of the Covenant, and carried with them the sense of the body of the Covenanters) they who subscribed that Covenant, might, with great liberty, voice in an Assembly, concerning Episcopacy without prejudice, notwithstanding their Oath: And upon this ground, would perswade the Doctors to subscribe the Covenant, because in so doing they should not be taken as abjuring Episcopacy (as the Doctors thought) But, notwithstanding their Oath and subscription, had their liberty remaining entire to voice for Episcopacy in an Assembly: See their

answer

anſwer to the Doctors their fourth and tenth demands. And the truth is, that as in the explication added, *anno.* 1638. Epiſcopacy is not mentioned as abjured; ſo neither was it abjured by the National Covenant as it was enjoyn'd to be ſubſcribed, *anno.* 1580. It is alledged, that under the name of the Popes wicked Hierarchy, the Office of Epiſcopacy was abjured; But they who ſay ſo, would conſider, that the abjuring of the Popes wicked Hierarchy, imports not an abjuration of the Office of a Biſhop, more then the Office of a Presbyter or a Deacon, which are parts of that Hierarchy (ſo called by the Council of *Trent*, Canon. Seſſ. 7.) as well as the Office of a Biſhop. If the Covenant do not under that expreſſion abjure theſe Offices, neither doth it abjure the Office of a Biſhop, ſeing theſe are parts of that which the Papiſts call Hierarchy, as well as this. The intent of that Covenant, was not to abjure the Office of Biſhops, more then of Presbyters or Deacons, but to abjure the Hierarchy, ſo far as it was the Popes, (his wicked Hierarchy) as it alſo abjureth his five baſtard ſacraments, ſo far as he maketh them Sacraments, (for ſure, Orders or Ordination of Miniſters and Marriage, which he maketh two Sacraments, are not abjured in the Covenant as to the matter of them, but only as to the relation of being Sacraments, which the Pope puts on them) even ſo the Popes Hierarchy is abjured, counted and called wicked, not as to the matter of theſe Offices comprehended under the eccleſiaſtical word *Hierarchy*, (for then the Office of Presbyters and Deacons, ſhould be alſo counted wicked and abjured) but as to the dependance of all theſe Offices on him, as the fountain and head of the Church under Chriſt, and the corruption adhereing to theſe Offices, and flowing from him, ſo far as they are his, depending on him, corrupted by him, there is wickedneſs in them or joyn'd to them, and ſo they are abjured (as in another word of that Covenant, his blaſphemous Prieſt-hood is abjured, yet in that the Office of Presbyter is not abjured.) But, mean time, the Offices themſelves, which are ſaid to make up that Hierarchy, are not abjured, nor are to be rejected, but purged from what is his, or any dependance on him, or corruption flowing from him. And ſo the Office of a Biſhop, amongſt Proteſtants

(Biſhops

Biſhops now being looſed from that dependance from the Sea of *Rome* and the Pope, who as head of the Church claimed a plenitude of power over the whole Church, and made all Chriſtian Biſhops and Miniſters but as his ſlaves and vaſſals, portioning out to them ſuch meaſure of jurisdiction as he thought fit; as their ſtiles in this Countrey imported of old; *Ego* N. *Dei apoſtolicæ ſedis gratiâ Epiſcopus*) I ſay the Office of the proteſtant Biſhop is no more a part now of the Popes wicked Hierarchy, then is the Office of a Miniſter or Deacon.

But further it may appear, that under the name of the Popes wicked Hierarchy, the Office of Biſhops was not abjured in the National Covenant. 1. The enjoyner of that Covenant to be taken by the ſubjects, was King *James*, of bleſſed memory; He, having himſelf with His family ſubſcribed that Oath and Covenant, gave charge to all Commiſſioners and Miniſters within the Realm to crave the ſame Confeſſion from their pariſhoners, and proceed againſt the refuſers, as the words of the charge bear, *March*, 2. 1580. This was the firſt injunction for taking the Covenant, which was mainly intended for ſecuring the Religion, and the King who favoured it and profeſſed it, from Papiſts, who were found practiſing with forraigners againſt him and it, and for clearing the King and his Court from aſperſions. But that the King by that Covenant intended the abjuration of the Office of proteſtant Epiſcopacy, it is moſt improbable, and by many things the contrary appeareth. 1. The inſtrument in penning that Covenant at the Kings command, was Mr. *John Craig*, His Miniſter, a very learned man, who but nine years before, (*Jan*, 12. *anno*, 1571.) had given his conſent in the Aſſembly of the Church, which then did meet at *Leith*, that Commiſſioners might be appointed to joyn with theſe whom the Council ſhould appoint for ſettling the policy of the Church: of theſe Commiſſioners he himſelf was one, and with him *Dun* the Superintendent of *Angus*, *Winrame* Superintendent of *Fyfe* and others: the reſolution they came to, was that there ſhould be of the moſt qualified of the Miniſtry ſome choſen by the Chapters of the cathedral Churches, to whom vacant Arch-biſhopricks and Biſhopricks

might

might be diſpon'd, and they to have power of Ordination, and to exerce ſpiritual Juriſdiction in their ſeveral Dioceſſes; and at the Ordination of Miniſters to exact an Oath of them for acknowledging His Majeſties Authority, and for obedience to their Ordinary in all things lawfull. And accordingly ſome were provided to Biſhopricks at that time; neither did the Church in the following Aſſembly at St. *Andrews*, (*March*, 1571.) take exception at theſe Articles of agreement. It is true at *Perth* (*Auguſt*, 1572.) they received the ſame, but with a proteſtation, it was only for an *interim*, &c. But this we may ſay, that the learned Penner of the National Covenant, allowed of Biſhops a few years before this Covenant: Nor is there any evidence that he changed his mind, or that he did in that draught of the Confeſſion, mean proteſtant Biſhops (which then he approved) by the Popes wicked Hierarchy which is abjured. 2. As for the King himſelf, that He minded no abjuration of the Office of a proteſtant Biſhop by that Covenant, may be evident by this, that when He and His family took that Covenant, and when he enjoyn'd it to the ſubjects, there was no ſuch thing known in this Church as a Government by Presbyteries (the whole Government conſiſting in Ordination and Juriſdiction, exerced in the ſeveral parts of the land, being in the hands of ſome under the name of Biſhops, ſome under the name of Superintendents, or under the name of Commiſſioners of Countreys, who exercis'd the ſame in their ſeveral precincts) other Government there was not, but by ſome ſingle perſons, having power in their ſeveral bounds. It is true, the Aſſembly quarrel'd what they did amiſs; but yet they were then really Biſhops: And it is not like the King did ſwear himſelf, or put others to ſwear againſt the Church-government that was then in the Countrey, and was not rejected by the Church, till *July*, 12, 1580. Yea, it is evident, that the King and His Council, minded not to ſwear down proteſtant Epiſcopacy by that Covenant: For, ſuppoſe the General Aſſembly in that ſame year, 1580, *July* 12. did paſſe an Act againſt Epiſcopacy (the like whereof had not been done in this Church before) yet, the very year following, 1581. though the King and Council had preſented the Confeſſion to the Aſſembly, to be

 ſubſcribed

ſubſcribed by them and the people in ſeveral Parishes at their order, or by their perſwaſion; yet, that very ſame year, an Act of Council is made, confirming expreſly that agreement, 1571, at *Leith* concerning Archbiſhops and Biſhops: And this was done ſix months after the ſending the Confeſſion to the Aſſembly and the Councils Act for ſubſcribing; this being in *October*, that in *March*, 1581. Now is it any way probable, that the King and Council (had they intended to abjure Epiſcopacy in the Confeſſion) ſhould within ſix moneths make an Act for confirming a former agreement for eſtabliſhing Epiſcopacy? And this Act of Council was no ſecret: For, the King openly avowed it in the buſineſs concerning *Montgomery*, Biſhop of *Glaſgow*, whom the King would not ſuffer to be proceſſed upon the account of his accepting a Biſhoprick; becauſe, as he ſaid, he had ſo lately ratified the agreement at *Leith*, 1571. Neither did the Aſſembly or any Miniſters ſpeak of that deed of the Kings and Councils, as contrary to the Covenant (albeit in theſe dayes they had a way of uſing liberty enough, and more then was fitting.) And it being plain, that the Covenant (in the intention of King and Council who injoyned it firſt, and tranſmitted it to the Aſſembly and ſubjects) doth not abjure Epiſcopacy; Why ſhould the ſubjects take themſelves bound as ſwearing down Epiſcopacy by that Oath, ſeing every Oath is to be taken in the declared ſenſe of the Impoſers, which is conſiſtent with the words of it? But it will be yet ſaid, that the General Aſſembly at *Glaſgow*, 1638. have declared, that in that National Covenant, Epiſcopacy was abjured in the year, 1580. and they enjoyned, that all ſhould ſubſcribe according to the determination of that Aſſembly; and many have done ſo. *Anſ.* 1. It ſeemeth very ſtrange, that any Aſſembly, or Company of men, ſhould take upon them to declare what was the ſenſe of the Church in taking a Covenant, or Oath, when few or none of the men were living, who took that Covenant; or, if living, few or none of them were members of that Aſſembly at *Glaſgow*, 1638. As *juramentum eſt vinculum perſonale*, (ſo ſay the Caſuiſts) So no man, or company of men can take upon them to define what was the ſenſe of dead men in taking an Oath or Covenant while they were alive, unleſſe they

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can produce ſome authentick expreſſe evidence, that ſuch was their meaning in taking the Oath and Covenant in their life-time. Now, all that the Aſſembly of *Glaſgow* hath produced in their large Act, (*Seſſ.* 16.) declaring Epiſcopacy to be abjured, *anno*, 1580. amounts to nothing more, but this, that before *Jul.* 1580. (at which time, ſome moneths after the Covenant was enjoyn'd by the King to be taken by the ſubjects) the Church was, and had been ſome years labouring againſt Biſhops (who notwithſtanding continued, till after the Act at *Dundee*, 1580.) And that after the year, 1580. there was much oppoſition to that Office by the Aſſemblies: But all their citations of Acts, come not to this point, to prove that Epiſcopacy was abjured by the Covenant or any words in it; nor do theſe ancient Aſſemblies after, 1580. ever aſſert any ſuch thing (men being then living who knew the ſenſe of the Covenant, that it was againſt Covenant to admit of Epiſcopacy; but they go upon other grounds in oppugning that Office. How ſtrange is it that Aſſemblies of Miniſters, who had taken that Covenant, are never heard to plead againſt Epiſcopacy (though they loved it not) upon that ground? And that fifty eight years after, when moſt, or all of theſe firſt takers of it, are worn out, a generation riſeth, that will plead, that their Anceſtors took that Covenant in that ſenſe (abjuring Epiſcopacy) whereas there is in no Act of theſe ancient Aſſemblies (after the Covenant was taken, or at the taking of it) any aſſertion, that it was their mind in taking that Covenant, to abjure Epiſcopacy? And that Epiſcopacy was not (in the intention of the takers of the National Covenant of old) abjured by the Covenant; no, nor unlawfull in it ſelf, even in the judgment of the Aſſembly of the Church of *Scotland*, may appear, in that within ſix years after that year, 1580. a General Aſſembly at *Edinburgh* do declare, that the name of *Biſhop* hath a ſpecial charge and function thereto annexed by the Word of God; and that it is lawful for the General Aſſembly, to admit a Biſhop to a Benefice preferred by the Kings Majeſty, with power to admit, viſit and deprive Miniſters, and to be Moderators of Presbyteries where they are reſident and ſubject only to the ſentence of the General Aſſemblies. It ſeems within ſix years, the General

Assembly at *Edinburgh* retracted the Act of *Dundee*, 1582. But, 3. Strange it was that the Company met at *Glasgow* (an Assembly against which as much is said, and upon good grounds, as against any other in our Church) had power to bind others to their determination of the sense of the Covenant. Certain it is, no Assembly nor Company of men, can put an obligation upon persons who have taken an Oath personally to accept of their sense of the Oath which they put upon it. It is true, the Assembly of *Glasgow* could declare their own sense of the Oath taken by themselves, but could not impose their sense upon the takers of the Oath before, that sense not having been given to the takers of the Oath by the imposers of the same; and the takers of the Oath not having impowered the Commissioners at *Glasgow* to declare their sense of that Oath they had taken. So then, whatever was done at *Glasgow* after the Covenant was taken by the body of the Land, could not oblige all the takers of it to own their declaration of the sense of the Covenant (which was not at first imposing the Oath, declared to them) And the body of the people of this land, have not indeed abjured Episcopacy by that National Covenant they entered in; neither the Covenant, nor added interpretation importeth any such thing: Nor hath the body of the people of the land, by any after deeds, owned that Assemblies sensing of the Covenant; Nor was there any Act in that Assembly, that all should own their determination of the sense thereof. It is true, there is an Act (*Sess.* 26.) that these who had not already subscribed, should subscribe with an allowance of the Assemblies determination concerning the sense of the Covenant: But few did so. If any did so, they are to consider, whether they have not been too rashly carryed on in the current of that time without a just examination of matters.

But finally, Now (that we are got out of the noise of Armes and Confusions of the by-past times) it concerneth the Ministers of Christ, to ponder if there was any thing unlawfull in that Covenant (we speak now of the solemn League and Covenant, which seemeth most expresse against Prelacy, and which almost swallowed up the memory of the other.)

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That there are great duties engaged to in the ſame, relating to true Religion and an holy life, from which no power on earth can looſe, and to which we are indiſpenſably tyed, is not to be doubted. Neither is it to be doubted, that many godly Miniſters and people, were ingaged in that Covenant, who deſigned no evil, nor minded any injury to the Soveraign; Yet, ſeveral things, as to that Covenant, are worthy to be ſeriouſly examined, that we may ſee how they can be juſtified before God; Or, if they are to be confeſſed as faults, eſpecially if any evil or unlawfull thing be found in the ſubſtance or mater of the Covenant; it would be remembred, *Malum eſt ex ſingulis defectibus.*

1. The warrantableneſs of entring into that publick Oath or Bond, without the ſupreme Authority of the land, and againſt the mind of the Soveraign. Can there be any example ſhewed amongſt the people of God of old, either Jews or Chriſtians, of carrying on a publick Oath or League and Bond without their Soveraign Powers, that were over them, going before them; or, they not conſenting or contradicting? Is it not ſo ſpecial a Royalty of the King, to have power of impoſing a publick Oath on all his ſubjects, eſpecially when the Oath hath a direct aim for raiſing and taking Armes, for invaſion of any in forreign Nations (ſuch was the aim of the ſolemn League as to us in *Scotland*) that if this can be done without the King, What is there that may not be done without him? Who can have a lawfull power to ſwear all the Kings ſubjects tō ſuch a purpoſe, without his conſent? Much leſſe can any have power to ſwear them to a War againſt the Soveraign, while he is no way injuring them, but heaping favours upon them; the War, in that reſpect, not being defenſive on their part, nor admitting of apologie upon that ground (ſuppoſing that to be a good ground.) Is it not certain, that ſeveral juſt laws of this land, clearly inhibit all Leagues of ſubjects under whatſoever colour or pretence, without the Kings conſent had and obtain'd thereto? *Jam. 6.* Parl. 10. Act. 12. *Mary*, Parl. 9. Act 75. It is well known, that when the Nationall Covenant was carryed on, that the people might be moved to concur in it and to take it, it was

pretended

pretended, that it was not without Authority; and that the warrand it had from King *James* his Authority, ſtill continued (albeit neither He nor His Succeſſor gave any authority to the additional explication and application) and, at that time, it was ingenuouſly profeſſed by the Promoters of that Covenant, (as may alſo be cleared by Writings they have left to the world) that had it been a new Covenant or League, they would not, they could not have entered in it without the King's Authority warranding them; But, when the ſolemn League and Covenant (which had no ſhaddow of the King's Authority) cometh upon the ſtage, this Doctrine was forgotten utterly; for, it was carried on in *England* by a Meeting of Parliament, excluding one of the Eſtates, and the King proclaiming againſt it in *Scotland* by a Committee of Eſtates, which, if they had power to engage the Land in a Forreign war, intended in that Covenant, may be doubted. Now, although this could not nullifie the obligation of the Covenant, were the matter of it undoubtedly lawfull and otherwiſe ſtill obliging; yet, it were well if unlawfulneſs, in regard of this defect and want of a lawfull Authority warranding it, were acknowledged; this were ſome piece of ſelf-denyal: Caſuiſts ſay, that *res jurata* may be *licita*, when *Juramentum eſt illicitum*. Let the matter of the Oath be lawfull, and ſuppoſe it alſo to oblige; yet, they who appear ſo afraid of ſin in breaking that Oath, would, for proof of their ſincerity, give as publick teſtimony againſt the ſinfull way of entring into that Bond, as they do againſt that ſin (as they ſuppoſe) in breaking it; if they ſay *factum valet*, let them conſider if they have no better reaſon to ſay *fieri non debuit*.

2. It is moſt ſeriouſly to be conſidered, if there be not in the intrinſical frame of the Covenant that with which God was not well-pleaſed. Such a ſolemn Oath and Covenant, being a moſt ſolemn profeſſion before God of what men did own in Religion, and profeſſedly intended for the greateſt mutual aſſurance of men entring in it, (one to another) ſhould have been fram'd in moſt ſtrict, plain and ſpecifical termes. But, this *ſolemn League, &c. Was purpoſely fram'd in general and homonymous termes*, ſuch as (by the expreſſions) leaveth room for all the Sectaries in the Iſle (if they will but profeſs to own

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the Word of God) to lurk under the lap of the Covenant, to own each one their own way, and yet plead their keeping of the Covenant; such is the generality of the termes of it; that several sorts of Sectaries may fight in their several factions one against another, all pretending the Covenant, there being no distinct specifical termes in the Covenant, whereupon some could implead others as guilty of breach; and did not the Sectarian *Armie*, when they invaded *Scotland*, pretend the Covenant and keeping of it, and thereupon there were high appeals made to heaven? Will not all, or most of them, own the letter of the Covenant, which only seems clear against Popery and Prelacy, and for a violent extirpation of this? Then there was no security in that Covenant for preserving Presbytery in *Scotland*; the Presbytery not being once named, only the matter is wrapped up in a general, We shall preserve the *Reformed Religion* in the Church of *Scotland* in Doctrine, Worship, Discipline and Government against our common enemies; *reformed Religion*, and *against common enemies*: No *Independent* or *Separatist*, but might say, he would preserve the Reformed Religion, *&c.* in *Scotland*, albeit he thought not Presbytery to be any part of Reformed Religion or Government, and although he minded to do against it himself; only, if he would preserve it, it should be to hold off what he apprehended worser, he would preserve it against *the common enemies*. Neither is there security in that Covenant for reforming *England*, according to the pattern as was desired by us. Was there not more *policy* then *piety* in this, to endeavour the soldering and holding fast of so many several parties united against Episcopacy? yet, sorting amongst themselves, like the iron and clay toes of *Nebuchadnezzar*'s image, and ready to break one upon another (all under pretence of the Covenant) as it clearly came to passe and is still like to be, such is the vanity of humane policies, unsound wayes of uniting, tending to the begetting, in end, of greater distractions. And the Covenant being of purpose framed in general termes, for the most part, that several parties might be fast united against Prelacy owned by the King; if it should be still owned, would prove no better then a perpetual seminary of diverse Parties, all pleading their keeping of their Covenant, and yet no

party

party agreeing one with another in the specifical sense thereof; and some of the wayes of these several parties, might be found much worse (in the judgment of right discerners) then Prelacy is, or may be thought to be by some. It would be seriously pondred, whether this way of a studied indistinctness, generality and homonymie in the terms of the Covenant, for strengthning a party against some one thing, was acceptable to God? And whether the blood of our Countrey-men, should have been cast away in such uncertain terms? It will be said, The Covenant is clear enough against Episcopacy, let us keep it in the clear and true sense of it, whatever doubtfulness be otherwayes. But to say nothing of this that we have shewed above, how unclear it is against the Episcopacy established now in *Scotland* (however clear it be as intended against the English frame) were it not better to lay aside (when now it is disclaimed by King and Parliament and all persons of trust in the Land) an humane form, which, in respect of the Composure of it, is apt to be, hath been, and is like to be a seminary of varieties of parties (all pleading it) and worse evils then Prelacy is imagin'd to be, then still to own it, when as authentick exponers of the sense of it, who might reprove false pretenders to the keeping of it, cannot be had; neither while they were in being, could agree amongst themselves anent the sense of it; as may be seen in the Parliament of *Englands* bafling the Scotish Commissioners Declaration, *anno* 1647. and other Papers. God hath given the children of men work enough to be exercised in his holy Word, which certainly, in his intendment, hath but one true sense (howbeit mans blindness often perceiveth it not) It is a needless labour to be taken up with humane forms (purposely contrived in general terms for taking in parties of known contrary sense and judgment) which will (if own'd) prove apples of contention in the present and succeeding Generations.

But, 3. Let sober and godly men consider, if it was dutifully done, to swear the preservation of the Kings person and Authority conditionally and with a limitation, *In the preservation and defence of the true Religion.* Mr. Crofton

Crofton indeed denyeth, that in that third Article of the Covenant, there is any limitation of our loyalty in defending the King, or that this is the sense, that we are only bound to defend Him while He defends Religion; he affirms, that clause to be only a predication of their present capacity who engage to defend the King's Person; to this sense: *we being in defence of Religion, &c. shall defend the King's Person.* But, (to say nothing how strain'd-like this looketh, the words, in the sense of judicious men, looking as a clear limitation of our duty to Him; as if otherwise we owed Him no duty of that sort) Belike, the General Assembly of the Church of *Scotland* should understand the sense of the Covenant somewhat better then Mr. *Crofton*, (to say nothing of their stating their opposition to Authority of Parliament in the matter of the *Engagement*, 1648. upon this as the main hinge, *i.* our conditional duty to the King.) They in their Declaration, 1649. declare, that the King was not to be admitted to the exercise of His royal Power, before satisfaction, as to the matter of Religion (they meant mainly that particular mode of Church-government by Presbytery; for, that was it that went under the name of Religion, the substance of the protestant Religion being never under question between the King and them) they plead for a ground the Covenant, where their duty, in defending the King's Person and Authority, is said to be subordinate to Religion; and therefore it is concluded, that without manifest breach of Covenant, they cannot admit Him to reign, till in that they be satisfied: It is clear, they look'd on it as a limitation of their duty, and that His owning of Presbytery, *&c.* was *conditio sine qua non*, of His reigning amongst them, and of their paying duty to Him; and so indeed the transactions in the Treaties at *Breda* and the *Hague*, and what followed thereupon, expounded their mind. Now, was this right? shall (where our Allegiance binds us to duty in a greater latitude) this should be held our people as the only standard of their loyalty, and duty to the King? Was it sound Doctrine to insinuat (to the sense of intelligent men) that we were not otherwise

bound to defend Him? Was it well, by such a clause to give occasion to wicked men (as the Sectaries take it in their Declaration before the late King's death) to think they were no further obliged to Him then He should defend that which they accounted Religion; yea, that they were obliged by Covenant to destroy His Person, they finding (as they say in that Declaration) that His Safety and Religions are inconsistent? And, was it the duty of those who were Commissioners from this at *London* then, to profess in their Paper, *they were not interested to justify any in their guilt*, when they knew the Regicides would take their meaning to be of the King? Doth difference in Religion, or in these inferior and lower points about Church government, loose a people from their duty in defending His Person, and obeying His Authority? How may foreign Princes (who have Protestants in their Dominions) take it, if that might pass for an approved opinion amongst their protestant Subjects, that their loyalty is to be limited to His being of their Religion; and if He be not, they may either cease to defend Him or invade Him? It may be remembred, that those who owned the western Remonstrance did justifie their seditious Engagments and renting proceedings (which few of them have disclaim'd to this day) upon their sensing the obligation of the Covenant as is said, and that in conformity to the constant tenor of the published Declarations and Testimonies of Church judicatories, since the taking of the Covenant; and if it sure it concerneth the Ministers of this Church, to vindicate the Doctrine thereof, in the point of *that respect and obedience to the Civil Magistrate* (which the Confessions of all Protestant Churches do own) which hath been stain'd by these corrupt principles and positions, and the undutifull practices, flowing from the same in these years past.

But to say no more, it would be in the fear of God considered, if in the solemn Covenant, the engagers therein have bound themselves to any act unlawfull, that may render the Covenant in some part of the matter of it sinfull; the act which in the second Article (how under question) they have

engaged

engaged themselves in; is the voting out of Prelacy of the Offices, &c. There was no such Offices in *Scotland* at that time, so they needed not to swear extirpation of what was not there. In *England* their Church-government being warranted by the Laws of the King and Land, it may be question'd if the swearing the extirpation, or endeavouring to extirpate the same, without and against the consent of the Soveraign Law-giver of the land, was a lawfull Act. The question is not now, whether Episcopacy be lawfull or not; but supposing Episcopacy to be unlawfull in it self, albeit in that case the Law-givers were indeed bound to remove it, and to annull Laws favouring it; Yet, it were unlawfull to people to bandy for forcing or frighting the Law-givers to an alteration of these Laws, and to tye themselves to a mutual defence, with lives and fortunes for overturning what the Law alloweth (agree the Soveraign or not) which is the clear meaning of the Covenant, *Artic.* 2, 3, 5. If once that Principle prevail, that subjects may (when they apprehend Laws unlawfull) use forcible endeavours to obtain alteration thereof, What security can there be for the best Princes in maintaining the best Laws? or what peace for people? When an evil spirit ruffleth upon people, or some *Sibboleth* bloweth the trumpet, they will be ready to think it is their place and calling, being souldiers and men at armes (however called thereto) to offer violence to Magistrates and Laws, even the best. It is in vain, some defenders of the Covenant say, forcible endeavours are not meant; Compare second Article and third, that make mention of lives and estates, and relates to the former, and the fifth Article. It is clearly enough seen, violent endeavours are meant, where less will not do. And when the cause of the Covenant was managed in the field, were not people upon account of that Article, hunted out either to kill or die, and terrified with the charge of Covenant-breaking if they went not? Did not people conceive themselves, (or were taught so) that it was their place and calling to take armes without and against the consent of the

Soveraign Law-giver? And in that calling, they were to endeavour forcibly, content the King or not, to carry that abolition of Prelacy. Let it be considered, whether engageing to such endeavours were lawfull, *quoad nos*; or whether it can be a lawfull bond, that tyes to such violent endeavours against the supreme Magistrate and Laws (be what they will be) And let it be seriously pondred, that if they who hold themselves obliged in no way to yield unto, acknowledge, obey nor act under the Government, which the King and Law have set over them, and by thus withdrawing their subjection, encourage and lead others to do the like after their example, thereby designing to weaken the Government (which in the fairest construction, cannot be judged to *live peaceably*) If, I say, these will speak and act consequentially to former principles and practices, not yet by them disclaimed, they must also hold themselves by the same Covenant oblig'd to resist and fight against the Laws fencing Episcopacy, if occasion were offered; and not only to vent their animosities and discontents in their prayers and discourses in private, but also to take all occasions to revile and curse that Government and their Superiours, commissionated by the King, in Prayers, Sermons and discourses in publick; and, in effect, to do what in them lyeth, to bring it and them under the scandal and *odium* of the people, and make them the Butt of their malice and revenge; let wise men judge how far this is from the tenor of our lawfull Oaths of Allegiance, Supremacy, yea and Christianity, and what an inlet this will give to disturb the peace and rekindle that fire which had almost consumed us to ashes. To close, 1. If Episcopacy be of Apostolick Institution (as many learned godly men judge, and it is hard to say many swearers of the Covenant had ground of clear perswasion to the contrary) it would not be so banded against without grievous sin and scandal. 2. If Episcopacy be of indifferent nature, and only by humane constitution, it would be considered, what Protestants write against Papists, *That vows of perpetual abstinence in all cases from things in their nature indifferent, are utterly*

utterly unlawfull; and let it be thought, whether it be lawfull for any subjects to bind up themselves by Oath, never to be subject to the Magistrates laws in things God hath put under the determination of his power. §. Let Episcopacy be unlawfull, (which is not proven by any) yet it shall be unlawfull for subjects to attempt the abrogation of the Laws favouring it, by any force to be us'd on the Lawgiver, which is indeed the intent of the Covenant, and the proceedings thereupon were answerable.

The Lord give us humble and peaceable spirits, to see at last, and lay to heart the sin and folly of those Bonds and Combinations against the Kings Ecclesiastical Government, and his will expressed in the Laws of the land, which are inconsistent with that duty and loyalty, which Church-men, above other subjects, should pay to that *Supremacy in all causes and over all persons*, declared by the law to be an inherent right to the Crown: It is high time for us in this day of our tranquillity and calm which God hath wrought, to consider what belongs to our peace, and to discern the way of our duty, from which we have been too long transported by the tempestuous Agitations and diverse winds of Doctrines, Engagements and professions in the years past: Reason and Scripture, Divine and Natural law, seem to point out as with a Sun-beam, the way we should hold, namely, that *for publick security, order and peace*, Ministers and people do acquiesce in the present establishment, and obey every Ordinance of man, whether the King as Supream, or those who are commissionated by Him, and that not only for wrath but conscience sake. Let it be far from Ministers of the Gospel of peace, to head and lead the people into divisions and offences, and by their carriage and way, to dispose them into disaffection and discontent with the King and his Laws, as if in the account of some, (whether of corrupt and weak minds) he were a Tyrant not a Father to the Church, who maketh such Laws, which His conscientious subjects cannot obey for fear of sin against God; if this way of disobedience be persisted in, it is easie to see what evils will follow, (since it must be expected, that the

King

King and Parliament, will in honour and justice, maintain the laws) And how the whole Nation may be exposed to the reproach of a troublesome, disquiet, factious people, delighting still in sedition and turbulency; It becomes us rather to cut off occasions of stumbling in the way of Gods people, and to be patterns of love to, and zeal for the Honour and tranquillity of our King and Countrey, of this Church and State, and to shew so much tenderness for the interest of Religion, Order and Unity, as to put forth our selves to the utmost in our stations, to promote all these, which will prove the most effectual way of crushing that spirit of Athelsm and profaneness, so much complained of by those who flee from the only remedy thereof; Ministers are not to imploy themselves so much in considering how to maintain and uphold the interest of a party or cause they have espoused, as how far they may go, what they may without sin do in the practice of what the law injoyneth. The God of peace and truth direct and stablish us in the way of peace and truth, *Amen.*

FINIS

ERRATA.

Pag. 15. *Line* 6. *for* others *read* Oaths. *Pag.* 18. *Line* 2. *for* sect *read* sort.